



RISK MANAGEMENT/LIABILITY PROTECTION

Operations Order

3.7.00

PHOENIX POLICE DEPARTMENT

Rev. 06/22

PAGE 1

1. CITY LIABILITY

A. General Information

Occasionally in the course of duty, it is necessary for officers to take action that results in damage to property, property is inadvertently lost, or a citizen is injured (not as a result of our actions) during their police encounter.

- (1) A supervisor will be notified as soon as possible after any police contact that may result in City liability through personal injury or property damage/loss.
- (2) Officers will not advise citizens the city will assume responsibility for any injury, damaged or lost property.
- (3) Should a fingerprint powder spill occur, advise the owner/responsible party not to vacuum or scrub the affected area.
- (4) Contact the Incident Review Unit (IRU) through the Legal Unit at (602) 534-0126.

B. Injured person, Property Damage, or Lost Property Reports

- (1) Supervisors will complete an Injured Person, Damaged Property or Lost Property report via BlueTeam.

- (a) For injured Person and Lost Property reports, details of how the person was injured or property was lost will be thoroughly explained in the narrative section of the related IR; only a brief summary is required for the associated BlueTeam.

NOTE: Details for Damaged Property reporting are not required to be included in related IRs; however, it will be thoroughly documented in the incident summary section of the BlueTeam.

- (b) Ensure full identifying information is documented for the injured citizen or owner/responsible party of the damaged or lost property under the Reporting/Involved Citizen section of the BlueTeam.
 - (c) A complete description of what property was damaged or lost will be in the Incident Summary section of the BlueTeam report.
 - (d) Provide an estimated cost of the damaged or lost property.

NOTE: If an estimate of damage is listed, an explanation of how this amount was obtained is necessary: for example, property owner provided a receipt.

- (e) For lost property reports, include the brand name of the item/s lost, date of purchase, and price paid by the owner/responsible party (this should be supported by receipts provided by the owner whenever possible).
 - (f) Digital photographs will be taken of any citizen injuries, damaged property, and receipts for lost property, if available, which will be processed/stored as outlined in [Operations Order 5.8.05, Photographs and Audio/Video Recordings](#).
 - Link photographs of citizen injuries, damaged property and receipts for lost property (if available) in the BlueTeam report using the URL from WebXtender.

	RISK MANAGEMENT/LIABILITY PROTECTION	Operations Order 3.7.00
	PHOENIX POLICE DEPARTMENT	Rev. 06/22 PAGE 2

1. B. (1) (g) Supervisors will review body-worn camera video that documents/captures the injured person or damaged property.
 - Relevant BWC will be linked to the BlueTeam using the URL from Evidence.com.
- (h) Supervisors will complete the initial Injured Person, Damaged Property or Lost Property report within seven days of the incident and forward through their chain of command via BlueTeam.
- (i) Officers will not make any recommendations regarding payment or non-payment for the claimant in their report.

C. Property Damage or Injury Involving City Property

(1) General Procedures

- (a) When damage or injury is caused by City property or personnel, immediately call IRU at 602-534-0126.
- (b) Officers will not make statements to citizens concerning City liability.

(2) Street Potholes

- (a) General Information - The City does not assume any liability for damage caused by potholes in City streets, unless the City had been notified of the problem and then failed to take action to correct the problem within a reasonable amount of time.
- (b) Documentation - A Report of Property Damage/Loss/Injury form is not necessary in these instances.

i. Arizona Crash Report (ACR) Not Required	• If minimal damage is sustained by a vehicle: for example, a flat tire, no ACR is needed. • A memorandum will be forwarded to the Street Maintenance Division, with a copy to IRU, containing the listed information: * Date, time, and location of incident * Name, address, and telephone number of person involved * Vehicle description * Damage to vehicle * If this person notified the Police Department or City reference the pothole * If multiple vehicles are involved, which vehicle was involved first, second, third, etc.
ii. Arizona Crash Report (ACR) Required	• If an ACR is completed, a copy of the report will be routed to IRU, and no memorandum is required.

2. CITY INSURANCE POLICY

A. General Information

- (1) The City is self insured for public liability and property damage.
- (2) The program covers all City employees while acting within the scope of their employment.

	RISK MANAGEMENT/LIABILITY PROTECTION	Operations Order 3.7.00
	PHOENIX POLICE DEPARTMENT	Rev. 06/22 PAGE 3

2. B. Coverage - Personal liability will include:

- False arrest, detention, and malicious prosecution.
- Libel, slander, defamation, or violation of the right to privacy.
- Wrongful entry or eviction or other invasion of the right of private occupancy.
- Motor vehicle tort liability.

3. **CIVIL SUITS AGAINST EMPLOYEES**

A. General Information - The City will defend all employees in a court action brought against them for an act or an alleged act that was performed as a result of the employee's responsibilities and consistent with their regularly assigned duties as employees of the City.

B. Cases Which May Not Be Defended By the City - In certain cases, the City may not defend an employee and/or pay damages.

(1) Each case will be investigated and evaluated on an individual basis.

(2) These types of lawsuits generally fall in the following categories:

- Situations arising as a result of conduct that occurs while the employee is off duty and working for a private employer: for example, security guard
- Lawsuits between co-employees
- Civil rights violations
- Situations that occur off duty and are not job related
- In cases where an investigation reveals that the employee committed an intentional or wanton malicious act
- In cases where punitive damages may be awarded
 - * Punitive damages are applicable when there is a reckless indifference to the interests of others and are imposed as a penalty for gross, wanton, and culpable acts.
 - * If employees perform their duties in a reasonable and responsible manner, on or off duty, no basis for punitive damages should exist.

C. Summon and Complaints - A summons and a complaint for a civil lawsuit may be served either in person or by United States (U.S.) mail.

(1) Personal Service	Personal service is made by delivering a copy of a summons and a complaint to the employee, or by leaving them at the employee's home with a person of suitable age and discretion.
(2) Service by Mail	Service by mail is made by mailing (first class) a copy of the summons and complaint to the employee. - An employee served by mail must sign a waiver of service and acknowledgement (enclosed with the summons and complaint) and return copies of the acknowledgment in a pre-stamped and addressed envelope that should be provided. - If the employee does not comply with the provisions in the previous paragraph, the paperwork will be personally served on the employee, who will be responsible for paying the costs of service. - The City Attorneys Office is responsible for returning the waiver of service and acknowledgement to the sender. - The Department's Legal Unit may be contacted for any assistance in complying with these requests.



RISK MANAGEMENT/LIABILITY PROTECTION

Operations Order

3.7.00

PHOENIX POLICE DEPARTMENT

Rev. 06/22

PAGE 4

3. D. Notification Procedures

(1) Police Chief and City Attorney

- (a) Employees involved in a civil suit, either as a plaintiff or a defendant, as a result of their duties as Department employees, will inform the Police Chief and the City Attorney of the impending lawsuit.
- (b) Employees will personally hand carry the following items to the City Attorney the same day it is received, if possible, but no later than the end of the next business day.
 - Original Court Summons and Complaint
 - Copy of the waiver of service and acknowledgement
 - Copies of any documentation related to the incident (IRs, ACRs, etc.)

(2) Department Legal Unit

- (a) The following documentation will be forwarded to the Department's Legal Unit:
 - Memorandum detailing the employee's involvement in the subject of the lawsuit
 - Copies of the Court Summons and the Complaint
 - Copy of the signed waiver of service and acknowledgement, if applicable
 - Copies of any IRs that are available
- (b) The memorandum will contain:
 - Date and time the employee was served with the Summons and Complaint
 - Place of service: for example, home or work location
 - Who was served (self, spouse, child, relative, etc.)
 - Manner of service: for example, personal delivery
 - If employee's spouse is involved, full name of the spouse and date of marriage
 - Existence of other related materials and estimated time necessary to gather this material
 - Statement that the employee has hand carried the original of the Court Summons and Complaint, copy of the signed waiver of service and acknowledgement, if applicable, and any other related documents to the City Attorney's Office.
- (c) As soon as possible after being notified to attend a civil deposition or trial where the City or any government entity is the defendant, the employee will contact the Legal Unit.

E. Overtime

- (1) An employee who is a defendant in a Department-related lawsuit may be granted overtime pay pursuant to [Operations Order 4.2.01, Overtime Policy](#), in order to comply with the above procedures.
- (2) If the employee is the plaintiff, the employee will not be entitled to overtime pay.

	RISK MANAGEMENT/LIABILITY PROTECTION	Operations Order 3.7.00
	PHOENIX POLICE DEPARTMENT	Rev. 06/22 PAGE 5

3. F. Notice of Claim - If an employee receives a notice of claim (usually in letter form), the employee should forward a copy of the notice of claim through the chain of command to the Legal Unit.

(1) The notice of claim will be accompanied by a memorandum containing the following information:

- Date and time the employee received the claim
- Place of service: for example, home or work location
- Manner of service: for example, U.S. mail

(2) The employee is **not** required to forward a copy to the City Attorney's Office.

Last Organizational Review: